

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NOS. 3:04CR58-Cacheris
3:04CR59-Cacheris**

UNITED STATES OF AMERICA,)

v.)

SAMUEL PAUL CROOK,)

Defendant.)

**AMENDED CONDITIONAL
RELEASE ORDER**

THIS MATTER is before the Court on (1) additional information received from Senior U.S. Probation Officer Dianne C. Trombly, a Mental Health Specialist serving the U.S. District Court in Columbia, South Carolina; and (2) the Defendant's Motion for appointment of a public defender (document #36) filed May 27, 2008. The Defendant has waived his right to a hearing as to any modification of his Conditional Release Order (see attached).

Ms. Trombly has advised the Court, by letter dated June 10, 2008 (a copy of which is attached to this Order), that the Defendant absconded from the supervision of the community care home in which he had been placed (located in Monetta, South Carolina), absenting himself during an AA meeting he was required to attend in Aiken, South Carolina. Although the Defendant informed both Ms. Trombly and the community care home of his whereabouts within two hours of leaving the AA meeting and reportedly engaged in no unlawful behavior while missing, the home maintains a no tolerance policy for rule violations and has since insisted that the Defendant be removed from their facility.

Upon the advice of Ms. Trombly, the Court concludes that the most prudent course of action is to place the Defendant in a similar community care facility. To achieve this result the Defendant

shall be returned to the Just Care Facility in Columbia, South Carolina, where he is to be housed until an alternate community placement can be arranged by Ms. Trombly through the South Carolina Department of Mental Health. Once such a placement has been secured, the Defendant shall be transported to that facility subject to the Community Disposition Plan previously in effect and attached to this Order (conditions 1, 2, and 6 shall be modified by Ms. Trombly to reflect the location of the facility).

The Court will not authorize a less restrictive placement until the Defendant demonstrates that he is able to comply with the rules of the facility in which he is next placed on a consistent basis.

In a separate Motion, albeit one related to his residential placement, the Defendant has petitioned the Court for appointment of a public defender “to represent [him] at a hearing to request a private psychiatrist to examine [the Defendant] and give his/her findings to the Court to determine if [he] can be released from [the] current facility and sent home.” This Order modifies the Defendant’s residential placement, effectively mooted the Defendant’s pro se Motion. Accordingly, the Defendant’s Motion for appointment of counsel will be **DENIED** without prejudice to renew it should future developments present materially different circumstances.

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Mr. Crook shall be returned to the Just Care Facility, 7901 Farrow Road, Columbia, South Carolina 29203, where he is to be securely housed until an alternate community placement can be arranged by Ms. Trombly through the South Carolina Department of Mental Health.

2. Upon approval by Ms. Trombly, the Defendant shall be placed in the facility in accordance with the “Community Disposition Plan” attached to this Order (with modifications as to the facility’s location and subject to the terms and conditions stated therein).

3. Mr. Crook shall be continued on intramuscular administration of antipsychotic medications/mood stabilizers until such time as medical personnel attending Mr. Crook may recommend their discontinuance and the Court amends or removes this condition.

4. The Clerk is directed to send copies of this Amended Conditional Release Order to counsel for the parties (Scott Gsell and Assistant U.S. Attorney Craig Randall); and to:

Diane C. Trombly
Senior U.S. Probation Officer
1835 Assembly St., Room 611
Columbia, SC 29201

SO ORDERED, this 11th day of June, 2008.



Carl Horn, III
United States Magistrate Judge